

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No. 05-698 (JBS)
	:	
ROBERT H. POZNER,	:	
	:	
Defendant.	:	ORDER
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This matter came before the Court upon motion by Robert Pozner for early termination of his Probation, which is scheduled to expire on October 14, 2010; and

The Court having considered the submissions of the parties in support and opposition; and

The Court finding that the three-year term of Probation originally imposed should be served in full, as it has run concurrently with two terms of supervised release previously imposed in the Southern District of New York, Criminal Nos. 03-940 and 03-874, which expired on February 12, 2009, so that the incremental length of this term of Probation is only approximately twenty (20) months beyond the period of concurrency, which is insufficient punishment for the underlying crime if shortened further; moreover, Defendant is a multiple recidivist for whom the specific deterrent effect of continued Probation for the full term of three years is justified; and

Defendant's compliance with the terms of his Probation, while commendable, is not extraordinary;

IT IS this 4th day of **January, 2010** hereby

ORDERED that Defendant's motion for early termination shall be, and it hereby is, DENIED.

**s/ Jerome B. Simandle**

JEROME B. SIMANDLE

U.S. District Judge